

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

October 18, 2012

Councilmember Westerlund may be present via conference call from the Denver Convention Center at 700 14th Street, Denver, CO, 80202.

1:00 P.M. ROLL CALL

Invocation by Reverend Yolanda Marquez of Primera Iglesias Cristiana

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "MIKE HERNANDEZ & GREG JOUROYAN DAY" - Council President Olivier

Proclamation of "CHUCK HOOVER DAY" - Council President Olivier

Proclamation of "FREEDOM FROM WORKPLACE BULLIES WEEK" – Council President Olivier

Proclamation of "NATIONAL DAY ON WRITING" – Councilmember Baines

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [September 27](#), [October 4](#), and [October 12, 2012](#)

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

A. * **RESOLUTION** – 17th amendment to the Annual Appropriation Resolution (AAR) No.2012-125 re-appropriating \$103,500 in grant funds, in the Development and Resource Management Department, as previously approved by Council (**Requires 5 affirmative votes**) - Development and Resource Management Department
Action Taken:

B. **RESOLUTION** - Approving Associate Membership by the City of Fresno in the California Enterprise Development Authority and authorizing the Interim Director of the Development and Resource Management Department to execute an Associate Membership Agreement between the City of Fresno and the California Enterprise Development Authority - Development and Resource Management Department
Action Taken:

C. **RESOLUTION** - Authorizing the City of Fresno to join the Figtree Property Assessed Clean Energy (PACE) Program and authorizing the California Enterprise Development Authority to conduct contractual assessment proceedings and levy contractual assessments within the territory of the City of Fresno and authorizing related actions - Development and Resource Management Department
Action Taken:

D. Approve responses to 2011-2012 Fresno County Grand Jury Report #5 "Fresno Factor" – Council President Olivier
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- E. Approve the nominations of Bryn Forhan, Peter Mehas and James Poptanich to the Governor's Appointments Unit for consideration to the San Joaquin River Conservancy - Mayor's Office

Action Taken:

- F. Report to Council: Approval of Resolutions Establishing a Fresno Poet Laureate Selection Committee and The Honorary Position of the "Fresno Poet Laureate"

1. **RESOLUTION** - Establishing the Fresno Poet Laureate Selection Committee

Action Taken:

2. **RESOLUTION** - Establishing the Honorary Position of Fresno Poet Laureate

Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. City Council direction on proposed projects located on the southwest corner of Herndon and Brawley (APN 507-030-12st) – City Manager's Office

Action Taken:

- B. **WORKSHOP** - Regarding greenhouse gas inventory project for local jurisdictions funded by PG&E through the Local Government Partnership Program – Development and Resource Management Department

- C. Actions pertaining to the large diameter water transmission main in northeast Fresno, Chestnut Avenue from Teague Avenue to Ashlan Avenue – Public Works Department

1. * **RESOLUTION** – 21st amendment to the Annual Appropriation Resolution (AAR) No. 2012-125, appropriating \$8,795,500.00 for award of construction contracts to install large diameter water transmission main in Chestnut Avenue from Teague to Sample and Shaw to Ashlan (***Requires 5 affirmative votes***) (***Property located in Districts 4 & 6***)

Action Taken:

2. Award a construction contract with Floyd Johnston Construction of Clovis, CA in the amount of \$5,393,798.25 for the construction of segment 1 of the large diameter water transmission main in northeast Fresno, Chestnut Avenue from Teague to Sample (***Property located in District 6***)

Action Taken:

3. Award a construction contract with Emmett's Excavation, Inc. of Clovis, CA in the amount of \$3,100,448.00 for the construction of Segment 2 of the large diameter water transmission main in northeast Fresno, Chestnut Avenue from Shaw to Ashlan (***Property located in District 4***)

Action Taken:

- D. **RESOLUTION** - Authorizing the submission of applications for grant funds of up to \$500,000 from the San Joaquin Valley Air Pollution Control District and authorize the execution of documents by the Public Works Director or designee (***Projects located in Districts 1, 2, and 4***) – Public Works Department

Action Taken:

- E. Actions pertaining to the Regents of the University of California – Police Department

1. Authorize the Chief of Police to enter into and execute the agreement and required program documents with the Regents of the University of California

Action Taken:

2. * **RESOLUTION** - 20th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating \$350,000 for the Sobriety Checkpoint Mini-Grant Program for 2012-2013 (***Requires 5 affirmative votes***)

Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

- F. Approve City of Fresno comments regarding the California High-Speed Rail Authority Revised Draft Environmental Impact Report/ Environmental Impact Statement for Fresno to Bakersfield (*Property located in Districts 3 and 5*) – Public Works Department

Action Taken:

- G. Authorize the Controller to enter into an equipment lease purchase agreement between PNC Equipment Finance, LLC and the City of Fresno for the lease purchase of Self-Contained Breathing Apparatus equipment in a principal amount not to exceed \$1,085,100

Action Taken:

1. **RESOLUTION** – Authorizing the execution and delivery of an Equipment Lease-Purchase Agreement with PNC Equipment Finance, LLC, as lessor for the acquisition, purchase, financing and leasing of certain equipment for the Fresno Fire Department

Action Taken:

3. **CITY COUNCIL**

4. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno, et al v. AIG Financial Products Corp., et al. U.S. District Court Case No.: 08 MDL No. 1950

Action Taken:

- B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9 Subdivision (b)

1. **Significant Exposure to Litigation** regarding the HUD Audit/Monitoring report and impact on City programs/projects

Action Taken:

- C. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6

City Negotiator: Ken Phillips, Juanita Chavez

Employee Organization(s): Amalgamated Transit Union, Local 1027 (ATU)

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 1:15 P.M.#1 **HEARING** to consider renaming the Copper and Friant Park-and-Ride/Trailhead to the “Jon Alsdorf Park-and-Ride/Trailhead” (*Continue to October 25, 2012 @ 10:00 a.m.*)

Action Taken:

- 1:15 P.M.#2 **CONTINUED HEARING** on designation of the Levinson Building to Local Register of Historic Resources (*Property located in District 3*) – Development and Resource Management Department

Action Taken:

- a. * **RESOLUTION** – Designating the Newman J. Levinson Home located at 1636 Broadway Street, Fresno, CA to the Local Register of Historic Resources

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:30 P.M.#1 JOINT MEETING WITH THE CITY OF FRESNO CULTURAL ARTS PROPERTIES CORPORATION

- A. **RESOLUTION** - Filling the vacant position of the City of Fresno Cultural Arts Properties Board of Directors with the Chair of the Successor Agency to the Redevelopment Agency of the City of Fresno – City Manager's Office
Action Taken:
- B. Consideration of documents pertaining to a proposed 69-unit mixed used residential project located at Fulton and Calavaras Streets: (City Manager's Office)
1. Approve Purchase and Sale Agreement between City of Fresno Cultural Arts Properties Corporation ("COFCAP") and City of Fresno for the sale of 2.12 acres of property to the City
Action Taken:
 2. Approve the Disposition and Development agreement between the City of Fresno and FFDA Properties, LLC, for the development of a 69-unit mixed-use residential project located at Fulton and Calavaras Streets
Action Taken:
 3. Approve the first amendment to the Master Lease between COFCAP and the City of Fresno
Action Taken:

ADJOURN

1:30 P.M.#2 JOINT MEETING OF THE CITY AS HOUSING SUCCESSOR, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION AND THE CITY COUNCIL

- A. Successor Agency Board, City Council and Fresno Revitalization Corporation Board consider approving:
1. Findings of Categorical Exemption pursuant to Sections 15301 (Exiting Facilities), item (c) of the CEQA Guidelines, related to the construction of publically owned improvements in the area generally described as the intersection of N. Abby and E. Hedges Avenues
(Successor Agency Board action)
 2. **RESOLUTION** – Making the necessary findings under Section 33445 of the Community Redevelopment Law, authorizing the Agency's installation of public improvement within the Central City Commercial Redevelopment Project area for street improvements including curb, gutter, storm drain and sidewalks at the intersection of N. Abby and E. Hedges Avenues **(City Council and Successor Agency Board action)**
 3. Award of construction contract to Bill Nelson G.E.C., Inc. in the amount of \$89,317.00 for the construction of publically owned improvements in the area generally described as the intersection of N. Abby and E. Hedges Avenues **(Successor Agency Board action)**
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:30 P.M.#2

JOINT MEETING OF THE CITY AS HOUSING SUCCESSOR, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION AND THE CITY COUNCIL

- B.** **Successor Agency Board, Fresno Revitalization Corporation Board and City Council consider adopting:**
1. Adopt finding of Categorical Exemption pursuant to Section 15332 of the CEQA Guidelines for approval of a Purchase and Sale Agreements and development of property pursuant to said agreements **(City, Successor Agency Board and Housing Successor action)**
Action Taken:
 2. **JOINT RESOLUTION:** A Joint Resolution of the City of Fresno and the Successor Agency to the Redevelopment Agency of the City of Fresno approving a Purchase and Sale Agreement with Boos Development West, LLC for the Sale of a Certain Former Redevelopment Agency Parcel located at California and Waterman within the Southwest Fresno G.N.R.A. **(City and Successor Agency Board action)**
Action Taken:
 3. **JOINT RESOLUTION:** A Joint Resolution of the City of Fresno and the City as Housing Successor approving a Purchase and Sale Agreement with Boos Development West, LLC for the Sale of Certain Former Redevelopment Agency Housing Parcels located at California and Kern within the Southwest Fresno G.N.R.A. **(City and Housing Successor Board action)**
Action Taken:

ADJOURN

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct.	25–	10:00 A.M.	CONTINUED HEARING to consider renaming the Copper and Friant Park-and-Ride/Trailhead to the “Jon Alsdorf Park-and-Ride/Trailhead”
Oct.	25–	10:15 A.M.	HEARING regarding Factfinding Report on City of Fresno and ATU, Local 1027 Impasse
Nov.	1–	8:30 A.M.	Presentation of Employee of the Quarter (<i>Reception immediately following – 2nd floor foyer</i>)
Nov.	8 -	10:00 A.M.	HEARING to annex Final Tract Map No. 5447 and Final Tract Map No. 5815, Annexation No. 47, to City of Fresno Community Facilities District No. 11
Nov.	15 –		NO MEETING – VETERANS DAY
Nov.	22 –		NO MEETING – THANKSGIVING WEEK
Dec.	6 -	10:00 A.M.	HEARING ordering the vacation of N. Barton Avenue between E. Pontiac Way and E. Hampton Way and E. Pontiac Way between N. Barton Avenue and State Route Freeway 168
Dec.	6 -	10:15 A.M.	HEARING - Approve the non-exclusive roll-off collection franchise to Clovis Recycling, Inc.
Dec.	13 –	8:30 A.M.	MEETING
Dec.	20 –	8:30 A.M.	MEETING
Dec.	27 –		NO MEETING – CHRISTMAS WEEK